

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW STEIN and JEROME LHOTE,

Plaintiffs/Counterclaim-Defendants,

v.

LUKE MCGEE,

Nominal Defendant,

SKATTEFORVALTNINGEN,

Defendant/Counterclaim-Plaintiff,

v.

LUKE MCGEE,

Counterclaim-Defendant.

No. 23-CV-02508 (NRB)

**DECLARATION OF MARC A. WEINSTEIN IN SUPPORT OF  
DEFENDANT/COUNTERCLAIM-PLAINTIFF SKATTEFORVALTNINGEN'S  
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

I, Marc A. Weinstein, an attorney duly admitted to practice law before the courts of the State of New York, hereby declare under penalty of perjury:

1. I am a partner at Hughes Hubbard & Reed LLP, counsel for Defendant/Counterclaim-Plaintiff Skatteforvaltningen ("SKAT") in these actions. I am fully familiar with the matters set forth in this declaration.

2. I submit this declaration in support of SKAT's Proposed Findings of Fact and Conclusions of Law.<sup>1</sup>

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1. Any capitalized terms not defined herein shall have the meanings attributed to them in SKAT's Proposed Findings of Fact and Conclusions of Law.

3. SKAT's Exhibit 501 is the Settlement Agreement dated May 28, 2019, an unredacted version of which was filed under seal at ECF No. 52-1.

4. SKAT's Exhibit 502 is the Letter Agreement dated May 28, 2019, an unredacted version of which was filed under seal at ECF No. 52-2.

5. SKAT's Exhibit 503 is the Affidavit of Confession of Judgment executed by Jerome Lhote ("Lhote") on June 9, 2021, and by Matthew Stein ("Stein") and Luke McGee ("McGee") on June 10, 2021 (the "Confession of Judgment"), an unredacted version of which was filed under seal at ECF No. 52-2.

6. SKAT's Exhibit 504 is the Affidavit of Confession of Judgment executed by Stein, Lhote, and McGee on May 28, 2019, an unredacted version of which was filed under seal at ECF No. 52-2.

7. Attached hereto as Exhibit 505 is a true and correct copy of the Expert Report of Per Justesen, dated September 6, 2024.

8. Attached hereto as Exhibit 506 is a true and correct copy of the Rebuttal Expert Report of Per Justesen, dated October 15, 2024.

9. Attached hereto as Exhibit 507 is a true and correct copy of excerpts of the transcript of the deposition of Luke McGee, dated June 10, 2024.

10. Attached hereto as Exhibit 508 is a true and correct copy of excerpts of the transcript of the deposition of Jerome Lhote, dated May 16, 2024.

11. Attached hereto as Exhibit 509 is a true and correct copy of excerpts of the transcript of the deposition of Matthew Stein, dated May 9, 2024.

12. Attached hereto as Exhibit 510 is a true and correct copy of an uncertified English translation of excerpts of the December 12, 2024 Judgment of the District Court in Glostrup, Denmark.<sup>2</sup>

13. Attached hereto as Exhibit 511 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0009685, except omitting the copy of the Settlement Agreement included at STEIN\_LHOTE0009688 through STEIN\_LHOTE0009738.

14. Attached hereto as Exhibit 512 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0009378.

15. Attached hereto as Exhibit 513 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0009373.

16. Attached hereto as Exhibit 514 is a true and correct copy of a certified English translation of the Bates-stamped document STEIN\_LHOTE0008987, which is stamped STEIN\_LHOTE0008987\_T.

17. Attached hereto as Exhibit 515 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0009376.

18. Attached hereto as Exhibit 516 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0009004.

19. Attached hereto as Exhibit 517 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0009749.

20. Attached hereto as Exhibit 518 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0009847.

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2. All English translation exhibits identified herein also include the Danish language original documents.

21. Attached hereto as Exhibit 519 is a true and correct copy of Bates-stamped document MCGEE\_000037.

22. Attached hereto as Exhibit 520 is a true and correct copy of a certified English translation of Bates-stamped document STEIN\_LHOTE0001236, which is stamped STEIN\_LHOTE0001236\_T.

23. Attached hereto as Exhibit 521 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0001411.

24. Attached hereto as Exhibit 522 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0001467.

25. Attached hereto as Exhibit 523 is a true and correct copy of Matthew Stein's Objections and Responses to Skatteforvaltningen's First Requests for Admission, dated July 23, 2024.

26. Attached hereto as Exhibit 524 is a true and correct copy of Jerome Lhote's Objections and Responses to Skatteforvaltningen's First Requests for Admission, dated July 23, 2024.

27. Attached hereto as Exhibit 525 is a true and correct copy of Nominal Defendant/Counterclaim Defendant Luke McGee's Responses to Skatteforvaltningen's First Requests for Admission, dated July 23, 2024.

28. Attached hereto as Exhibit 526 is a true and correct copy of Bates-stamped document SKAT\_MAPLEPOINT\_00000938.

29. Attached hereto as Exhibit 527 is a true and correct copy of Bates-stamped document STEIN\_LHOTE0008914.

30. Attached hereto as Exhibit 528 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000174, which is stamped SKAT\_MAPLEPOINT\_00000174\_T\_R.

31. Attached hereto as Exhibit 529 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000431, which is stamped SKAT\_MAPLEPOINT\_00000431\_T\_R.

32. Attached hereto as Exhibit 530 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000235, which is stamped SKAT\_MAPLEPOINT\_00000235\_T\_R.

33. Attached hereto as Exhibit 531 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000264, which is stamped SKAT\_MAPLEPOINT\_00000264\_T\_R.

34. Attached hereto as Exhibit 532 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000027, which is stamped SKAT\_MAPLEPOINT\_00000027\_T\_R.

35. Attached hereto as Exhibit 533 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000040, which is stamped SKAT\_MAPLEPOINT\_00000040\_T\_R.

36. Attached hereto as Exhibit 534 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000019, which is stamped SKAT\_MAPLEPOINT\_00000019\_T\_R.

37. Attached hereto as Exhibit 535 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000072, which is stamped SKAT\_MAPLEPOINT\_00000072\_T\_R.

38. Attached hereto as Exhibit 536 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000194, which is stamped SKAT\_MAPLEPOINT\_00000194\_T\_R.

39. Attached hereto as Exhibit 537 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000420, which is stamped SKAT\_MAPLEPOINT\_00000420\_T\_R.

40. Attached hereto as Exhibit 538 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000069, which is stamped SKAT\_MAPLEPOINT\_00000069\_T\_R.

41. Attached hereto as Exhibit 539 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000001, which is stamped SKAT\_MAPLEPOINT\_00000001\_T\_R.

42. Attached hereto as Exhibit 540 is a true and correct copy of a certified English translation of Bates-stamped document STEIN\_LHOTE0001468, which is stamped STEIN\_LHOTE0001468\_T\_R.

43. Attached hereto as Exhibit 541 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000440, which is stamped SKAT\_MAPLEPOINT\_00000440\_T\_R.

44. Attached hereto as Exhibit 542 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000942, which is stamped SKAT\_MAPLEPOINT\_00000942\_T\_R.

45. Attached hereto as Exhibit 543 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000247, which is stamped SKAT\_MAPLEPOINT\_00000247\_T\_R.

46. Attached hereto as Exhibit 544 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000012, which is stamped SKAT\_MAPLEPOINT\_00000012\_T\_R.

47. Attached hereto as Exhibit 545 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000172, which is stamped SKAT\_MAPLEPOINT\_00000172\_T\_R.

48. Attached hereto as Exhibit 546 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000925, which is stamped SKAT\_MAPLEPOINT\_00000925\_T\_R.

49. Attached hereto as Exhibit 547 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000943, which is stamped SKAT\_MAPLEPOINT\_00000943\_T\_R.

50. Attached hereto as Exhibit 548 is a true and correct copy of a certified English translation of Bates-stamped document SKAT MAPLEPOINT \_00000776\_ T, which is stamped SKAT\_MAPLEPOINT\_00000776\_T\_R.

51. Attached hereto as Exhibit 549 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000070, which is stamped SKAT\_MAPLEPOINT\_00000070\_T\_R.

52. Attached hereto as Exhibit 550 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000743, which is stamped SKAT\_MAPLEPOINT\_00000743\_T\_R.

53. Attached hereto as Exhibit 551 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000820, which is stamped SKAT\_MAPLEPOINT\_00000820\_T\_R.

54. Attached hereto as Exhibit 552 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000075, which is stamped SKAT\_MAPLEPOINT\_00000075\_T\_R.

55. Attached hereto as Exhibit 553 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000690, which is stamped SKAT\_MAPLEPOINT\_00000690\_T\_R.

56. Attached hereto as Exhibit 554 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000929, which is stamped SKAT\_MAPLEPOINT\_00000929\_T\_R.

57. Attached hereto as Exhibit 555 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000256, which is stamped SKAT\_MAPLEPOINT\_00000256\_T\_R.



58. Attached hereto as Exhibit 556 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000176, which is stamped SKAT\_MAPLEPOINT\_00000176\_T\_R.

59. Attached hereto as Exhibit 557 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000017, which is stamped SKAT\_MAPLEPOINT\_00000017\_T\_R.

60. Attached hereto as Exhibit 558 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000904, which is stamped SKAT\_MAPLEPOINT\_00000904\_T\_R.

61. Attached hereto as Exhibit 559 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000003, which is stamped SKAT\_MAPLEPOINT\_00000003\_T\_R.

62. Attached hereto as Exhibit 560 is a true and correct copy of the curriculum vitae of Marc E. Landy.

63. Attached hereto as Exhibit 561 is a true and correct copy of Bates-stamped document MPSKAT00026699.

64. Attached hereto as Exhibit 562 is a true and correct copy of Bates-stamped document MPSKAT00019815.

65. Attached hereto as Exhibit 563 is a true and correct copy of Bates-stamped document MPSKAT00119705, which has been annotated to include highlighting.

66. Attached hereto as Exhibit 564 is a true and correct copy of Bates-stamped document MPSKAT00101957.

67. Attached hereto as Exhibit 565 is a true and correct copy of an excerpt of Bates-stamped document JHVM\_0005902.

68. Attached hereto as Exhibit 566 is a true and correct copy of a table created by SKAT's expert, Marc E. Landy.

69. Attached hereto as Exhibit 567 is a true and correct copy of an excerpt of the Bates-stamped document MPSKAT00201104.

70. Attached hereto as Exhibit 568 is a true and correct copy of Bates-stamped document MPSKAT00163991.

71. Attached hereto as Exhibit 569 is a true and correct copy of a certified English translation of Bates-stamped document SKAT\_MAPLEPOINT\_00000310, which is stamped SKAT\_MAPLEPOINT\_00000310\_T\_R.

72. Attached hereto as Exhibit 601E1 is a true and correct copy of an excerpt of the [REDACTED] True-Up Spreadsheet, produced by Wachtell and the Covered Parties, which has been annotated to include highlighting.<sup>3</sup>

73. Attached hereto as Exhibit 601E2 is a true and correct copy of an excerpt of the [REDACTED] True-Up Spreadsheet, produced by Wachtell and the Covered Parties, which has been annotated to include highlighting.

74. Attached hereto as Exhibit 601E3 is a true and correct copy of an excerpt of the [REDACTED] True-Up Spreadsheet, produced by Wachtell and the Covered Parties, which has been annotated to include highlighting.

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3. All True-Up Spreadsheets will be available at trial in electronic format as Exhibits 601 through 680.

75. Attached hereto as Exhibit 601E4 is a true and correct copy of an excerpt of the [REDACTED] True-Up Spreadsheet, produced by Wachtell and the Covered Parties, which has been annotated to include highlighting.

76. Attached hereto as Exhibit 621E1 is a true and correct copy of an excerpt of the [REDACTED] True-Up Spreadsheet, produced by Wachtell and the Covered Parties.

77. Attached hereto as Exhibit 656E1 is a true and correct copy of an excerpt of the [REDACTED] True-Up Spreadsheet, produced by Wachtell and the Covered Parties, which has been annotated to include highlighting.

78. Attached hereto as Exhibit 646E1 is a true and correct copy of an excerpt of the [REDACTED] True-Up Spreadsheet, produced by Wachtell and the Covered Parties, which has been annotated to include highlighting.

79. Attached hereto as Exhibit 602E1 is a true and correct copy of an excerpt of the [REDACTED] True-Up Spreadsheet, produced by Wachtell and the Covered Parties, which has been annotated to include highlighting.

80. In accordance with paragraph 3 of the Confession of Judgment, I affirm that the Judgment Amount of the Confession of Judgment is DKK 1,044,675,980, comprised of (a) the DKK 653,602,007 “Subsequent Cash Payment Amount, which is the sum of” the DKK 600 million Additional Cash Payment and the DKK 53,602,007 “True-Up Amount determined pursuant to Section 2(e)(iii) of the Settlement Agreement, (b) less” DKK 60,424,596 in “payments made through the Default Date to fund the Subsequent Cash Payment Amount pursuant to the Settlement Agreement, (c) plus” DKK 97,750,314 in “Applicable Interest, calculated pursuant to section 2(d)(ii) of the Settlement Agreement, as of the Default Date,

(d) plus” DKK 353,748,256 in “Applicable Interest, calculated pursuant to Section 5(d)(iii) of the Settlement Agreement.” The following table sets forth SKAT’s calculation of interest under Sections 2(d)(ii) and 5(d)(iii) of the Settlement Agreement.

<b>Date</b>	<b>Principal Amount Outstanding (DKK)</b>	<b>§ 2.d.ii Interest Accrued Between Payment Dates (DKK)</b>	<b>§ 5.d.iii Default Interest Accrued (DKK)</b>	
May 28, 2021	595,076,380.97	-	-	
June 8, 2021	593,667,048.08	1,443,671.60	-	
June 16, 2021	593,462,028.08	1,047,456.38	-	
April 19, 2022	593,177,410.76	40,182,257.07	-	
May 28, 2023	593,177,410.76	52,852,919.87	-	
June 14, 2023	593,177,410.76	2,224,009.00	353,748,255.77	
<b>TOTAL</b>		<b>97,750,313.93</b>	<b>353,748,255.77</b>	<b>1,044,675,980.46</b>

I, MARC A. WEINSTEIN, hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
April 7, 2025

/s/ Marc A. Weinstein  
Marc A. Weinstein